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Subject: Headlines Highlights for RA's Tablet - WEDNESDAY, May 18, 2016

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Chesapeake Bay Journal

Broad gains in Bay health seen in 2015

Overall score for water quality, habitat and fish in UM report card is third highest since restoration began

**By Timothy B. Wheeler
May 17, 2016**

Aided by favorable weather, the Chesapeake Bay's ecological health made modest but widespread gains last year, according to a new assessment.

The Bay's condition earned a middling "C" grade for the fourth straight year in the 2015 report card issued Tuesday by the University of Maryland Center for Environmental Science. But the overall score given for water quality, habitat and fish abundance ticked upward to 53 percent of what scientists consider a healthy ecosystem -- the third highest rating since restoration efforts began in earnest.

"That's really good news," said William C. Dennison, UMCES vice president for science applications, who oversees the annual assessment. "We're laying the groundwork. Some good things may be coming."

Only twice before has the Chesapeake's overall health been rated as high or higher — in 1992 and 2002. Both of those were drought years, when a severe lack of rainfall meant less nutrient and sediment pollution washed into the Bay to feed algae blooms and the annual "dead zone" of oxygen-starved water. Though not a drought last year, precipitation and stream flow were below normal, so there was less runoff than usual.

The Bay also benefited from a relatively mild summer, which tends to help underwater grasses and improve levels of dissolved oxygen in the water that fish and crabs need to breathe. Heat waves in 2005 and 2010 caused a dieback in aquatic vegetation, particularly eel grass. Even though 2015 registered as the hottest year on record for air temperatures, the UMCES report noted, water temperatures were “relatively mild.”

“This is one of those cases where if you get the right conditions ... and the right [conservation] activities, you can have both good corn crops and crabs,” Dennison said. “I’m liking that scenario, because it isn’t pitting the farmer against the waterman.”

Indeed, the report card tallied gains in key fish populations. The Bay’s stock of striped bass or rockfish remained relatively abundant, while blue crabs and bay anchovies (small forage fish) both improved.

Water clarity, which has been a chronic problem in recent years, increased dramatically last year, and algae concentrations improved as well, the report card noted. Those likely aided the expansion of Bay grasses, which depend on sunlight penetrating the water for their growth. Scientists recently reported that “submerged aquatic vegetation” last year reached its greatest extent in more than 30 years, about halfway to its restoration goal.

Levels of nitrogen in the water declined, the report noted, meaning there was less of that plant nutrient to feed algae blooms and the oxygen-starved “dead zone” that forms every spring in the Bay. Concentrations of dissolved oxygen earned a “very good” rating and remained stable.

The one trouble spot in the otherwise glowing report was an increase in phosphorus levels, the other problem nutrient. Water-quality monitoring shows that phosphorus concentrations have come down from where they were 30 years ago, but have leveled off and even increased in places in the last decade.

“We should, like the nitrogen, be seeing reduced phosphorus, and we’re not,” Dennison said. “It is a bit of an enigma.”

Phosphorus levels could be on the rise because of runoff from phosphorus-saturated farm fields on Maryland’s Eastern Shore, the UMCES scientist said. Or, he suggested, the increase may stem from the Conowingo Dam losing its ability to trap phosphorus-laden sediment that’s being carried down the Susquehanna River from Pennsylvania and New York. Both issues are under study.

Conditions in the lower mainstem of the Bay in Virginia rated a “B,” while the Mid and Upper Chesapeake earned “C” grades, as did most of the tributaries. Conditions improved in most of the rivers, even the Baltimore area’s Patapsco and Back rivers, which improved from failing scores in previous years to a D-minus. The lower Western Shore and Patuxent River in Maryland garnered ‘D’ grades, while Virginia’s York and Elizabeth rivers upped their ratings to D-plus.

Dennison said that he’s cautiously optimistic that the latest report card shows the Bay is building resilience to the vagaries of weather that can cause water quality conditions to yo-yo from year to year.

“We’ve got these nutrient reductions starting to kick in,” he said, referring to the cutbacks in nitrogen, phosphorus and sediment discharges and runoff mandated as part of the Chesapeake Bay Total Maximum Daily Load. There have been “massive” plantings of cover crops to prevent the runoff of nitrogen from farm fields in winter, he noted, and there’s less nitrogen raining down on the Bay watershed because of improved air emission controls on power plants and motor vehicles.

“I’m not a total Pollyanna about this, but I do think there’s a couple factors working in our favor,” he said.

Even so, the UMCES scientist cautioned that the Bay’s recovery is still relatively fragile, and could suffer setbacks from tropical storms or other extreme weather.

“When we have had particularly bad years ... you can backslide a long way, and it takes a long time to creep up again,” Dennison said. “The gains are incremental and difficult; the backsliding, unfortunately, can be pretty dramatic. So, we’re not out of the woods. But we are on the right track.”

Kim Coble, vice president of the Chesapeake Bay Foundation, said the improved score in the UMCES report card indicates progress is being made in reducing Bay pollution, but said it's not good enough.

“The region is not on track to meet its long-term goals,” Coble said, “and therefore, the Bay jurisdictions, with (the Environmental Protection Agency's) leadership need to do significantly more if we are to realize a restored Bay by 2025, as the states and EPA committed to achieving.”

Washington Post

Advocates: Maryland omitted key pollution measure in air-quality report

By Josh Hicks
May 17, 2016

Maryland officials left a key pollution measure out of a glowing assessment released this month of the state’s compliance with federal air-quality standards.

An annual report from the state Department of the Environment touted Maryland’s progress in meeting federal guidelines for air pollutants such as nitrous oxide and ground-level ozone. But it neglected to mention sulfur dioxide, which can cause asthma and other breathing problems.

Large swaths of northern Anne Arundel and southern Baltimore counties exceed federal limits on sulfur dioxide, according to a preliminary finding from the U.S. Environmental Protection Agency in February. The state has appealed the determination, and the EPA plans to issue a final designation by July 2.

“We’ve made a lot of great progress on air quality, and we applaud that, but specific communities still have to deal with sulfur-dioxide issues,” said David Smedick, a policy specialist with the Sierra Club environmental group. “We think that needs to be acknowledged in our state reports.”

Jay Apperson, a spokesman for the state agency, said the annual report released this month alluded to sulfur dioxide levels by mentioning that the state met federal standards for “fine particle-pollution” in 2012 and that those levels continue to drop.

“Sulfur dioxide is a precursor to fine-particle pollution,” Apperson said.

Federal guidelines limit sulfur dioxide levels to 75 parts per billion. The state’s analysis shows that the area in question fell slightly below that pollution level, with 71 parts per billion. But the EPA, using Sierra Club measurements, determined that the levels had actually reached 112.3 parts per billion.

Maryland challenged the EPA’s initial finding on grounds that the Sierra Club’s modeling was flawed. The state cited several factors that it believes exaggerated sulfur-dioxide levels in the Sierra Club analysis, including the location of receptors and techniques that analysts used for processing meteorological data and smokestack temperatures.

“These errors in the Sierra Club modeling make it unsuitable for use in the designation process,” the state agency said.

Maryland Secretary of the Environment Ben Grumbles said he is confident in his agency’s finding that sulfur dioxide is within federal limits, adding that the agency “enjoys a national reputation for its expertise in air quality science.”

Smedick, in turn, defended the Sierra Club’s system of measurement, noting that the EPA said in a technical document that the group’s modeling “most closely follows the guidance outlined in EPA’s modeling and is more representative of actual air quality conditions.”

Environmental watchdogs say the Herbert A. Wagner coal power plant, located along the Patapsco River in Anne Arundel County, is the primary contributor to sulfur-dioxide pollution for the area in question. The facility is among the largest single sources of air-pollution on the East Coast, according to the EPA.

If the EPA finalizes its preliminary determination on July 2, Maryland will have to develop a plan to reduce sulfur-dioxide in the area.

Smedick said the Wagner plant should utilize technologies such as “scrubbing” mechanisms that can capture some of the sulfur-dioxide emissions from smokestacks.

State environmental officials say Maryland’s power generators have already invested more than \$2 billion in air-pollution controls since 2007.

Pittsburgh Tribune-Review

Allegheny County Controller Wagner says air polluters aren't sweating five-figure fines

By Aaron Aupperlee
May 17, 2016

Allegheny County Controller Chelsa Wagner released an audit Tuesday that she said shows fines assessed through settlements between the county Health Department and major industries do little to stop pollution.

The Health Department contends that fines are only one part of penalizing companies that pollute, noting that it can cost companies millions of dollars to make department-mandated improvements to facilities.

Dr. Karen Hacker, director of the Health Department, said the department was surprised and disappointed by Wagner's statements, which “reflect a poor understanding of the processes and procedures for regulating air pollution.”

“The Air Quality Program has held major polluters accountable,” Hacker wrote. “It has been an extremely successful tool for improving air quality in our county.”

The audit examined the fines assessed against the now-closed Shenango Coke Works on Neville Island and U.S. Steel Corp.'s Clairton Coke Works. It concluded that the fines included in the consent agreements — court-

ordered settlements to address past air-quality violations and ensure future compliance — “were apparently not large enough to serve as an effective deterrent, as the sources continued to violate the air quality regulations and pay the stipulated penalties,” the audit stated.

Neither company responded to requests for comment.

Wagner said that because the fines are set in the consent agreements and do not increase if violations continue, companies don't feel financial pressure to change.

“When companies consider fines simply part of the cost of doing business, of course their performance does not improve,” Wagner said in a statement released with the audit.

The controller recommended that the Health Department fine companies \$25,000 a day, the maximum allowed under state law, more often.

The Health Department responded that it considers more than 10 factors when it sets fines, including the willfulness of the violation, the potential harm it poses and the economic benefit gained by the company for not complying. It could assess the maximum fine if all factors were at their worst.

“However, the ACHD will review its penalty calculation to determine whether some or all factors need to be adjusted as recommended,” the department stated in its written response to the audit.

Shenango, which was bought by Michigan-based DTE Energy in 2008 and shuttered this year because of a drop in the demand for coke, paid about \$1.3 million in fines between 2012 and 2014, according to Wagner's audit. The plant was ordered to spend more than \$1 million on upgrades and repairs to better control emissions under a settlement in April 2014.

U.S. Steel, which entered into a new consent agreement over its Clairton Coke Works in March, paid about \$1.7 million in fines between 2012 and 2014, according to the audit. The new consent agreement required U.S. Steel to pay \$25,000 by the end of this month — bringing total fines to nearly \$4 million since 2009 — and complete \$60 million in repairs.

The audit also said that the Health Department often settled with companies because it lacked the legal staff to fight them in court.

George Jugovic, chief counsel for environmental advocacy group PennFuture, said Wagner was “spot on” in her analysis.

“You have to have a viable threat. If you don't have a viable threat, you can't compel a good settlement,” Jugovic said.

Wilkes-Barre Times Leader

Pennsylvania Small Business Development Center program wins national EPA honor

PHILADELPHIA — The Pennsylvania Small Business Development Centers (SBDC)'s Environmental Management Assistance Program (EMAP) was awarded the Fiscal Year 2015 U.S. EPA Administrator's Award for Outstanding Accomplishments by a Small Business Trade or State Small Business Environmental Assistance Provider.

The award was presented May 5 during the U.S. EPA Administrator's 26th Annual Small Business Program Awards Ceremony. The event recognized various program activities, individuals, businesses and state and local entities for their outstanding contributions in Fiscal Year 2015.

The Pennsylvania Department of Environmental Protection provides funding to support EMAP in a longstanding partnership to provide environmental technical and compliance assistance to Pennsylvania small businesses, as required by the state Air Pollution Control Act and the federal Clean Air Act. EMAP provides valuable services to help small businesses in Pennsylvania come into compliance with environmental regulations, stay in compliance and go beyond compliance to become more sustainable.

EMAP provided environmental consulting assistance to 278 businesses in 50 of Pennsylvania's 67 counties in 2015. EMAP staff conducted on-site assessment visits at 39 of these businesses. A significant number of the businesses had complex and long unresolved issues that EMAP consultants were able to sort through to help the businesses thoroughly address their compliance issues. Since 2004, EMAP has provided environmental compliance assistance to over 2,645 small companies and conducted 1,262 onsite visits.

New Jersey Herald

Delaware Water Gap Showing Effects Of Climate Change

By Bruce A. Scruton
May 17, 2016

BUSHKILL, Pa. -- In the past 125 years, the Kittatinny Ridge has sunk -- climatologically -- about 600 feet and now the ridge-top has a climate more like northern Virginia was a century ago.

That was the message delivered Monday at a conference devoted to how the Delaware Water Gap National Recreation Area has enough unique areas within its 70,000 acres to be a migration corridor for living organisms seeking new homes as their ideal living conditions drift north.

Richard Evans, park ecologist, spoke about what's here now; Patrick Gonzalez, principal climate change scientist for the National Park Service, spoke about what's projected to happen; and Abigail Weinberg, director of conservation research for the Open Space Institute, outlined ways to keep what's here now around for the future.

Opening the conference was Park Superintendent John Donahue who quoted Voltaire -- "Men argue; Nature does," and Yogi Berra -- "I never like to make predictions about the future."

Focusing on just the vegetation of the park "since it the easiest to see, it doesn't move," Evans said the park has a variety of climates and geologies that produce a wide range of vegetation, from prickly pears popping up in arid, desert-like conditions, to hemlock-covered ravines and side-slopes covered by glacial deposits where nothing grows.

There is also a wide variety among vernal pools when they dry, ranging from meadow-like grass cover to bolder beds with nothing growing.

Evans, who has been employed as the park's ecologist for 23 years, said a survey has found 69 vegetative-associated areas of the park and among those, 39 are considered of state or region conservation concern and four are labeled as "global imperiled" or "critically imperiled."

Gonzalez who has begun to categorize the effect of climate change on all the national parks, said the impact of warming was the equivalent of the Kittatinny Ridge losing half its height in terms of the temperature impact on the local ecology.

In other words, elevation- and temperature-sensitive plants that grew at the 600-foot level on the side of the ridge, now find a good environment on the top of the ridge.

The warming atmosphere also means a longer growing season and more precipitation.

Gonzalez presented charts which project more "20-year storms" over the coming decades and peaks of likely precipitation coming two and three times a year, rather than just mid-summer.

While it doesn't seem like much of a change, a couple of degrees centigrade can mean native plants have a tougher time growing while invasive species -- he named six species that are closing in on the park -- are finding the warming temperatures to their liking.

There are also insects, such as the wooly adelgid -- already in the park -- and the emerald ash borer -- coming toward the park, which are in the mix.

The species of most concern, however, could be the native brook trout, the reason for a lot of visitors to the park as well as the money they bring.

With hemlock dying in the ravines from the adelgid, there is more sunshine reaching the ground. That, in turn, warms the ground and the water coursing over it into the streams, warming the streams. Brook trout need cooler water, which has more oxygen in it, to survive.

Evans noted that when he first came to the park, brook trout were in much of Tom's Creek, except for the lower stretch where it flows into the Delaware River.

"Now, the brown trout (which can tolerate warmer water temperatures) are not only in the lower and middle of the creek, it seems they are crowding out the brook trout further upstream," he said.

Gonzalez said his studies are "projections, not predictions" because "we can project what climate change is doing, but not what we (humans) will do about it.

"We have future vulnerabilities over which we have the ability to stop," he said. "Billions and billions of small actions caused the climate to change. Billions and billions of other small actions can cause it to stop."

Weinberg said the Open Space Institute, has taken a look at the park, and recent purchases of land by the institute which have been added to the park, are part of a much larger plan to provide access to animals, birds and even vegetative species, to migrate as climate changes alter the micro-climates.

"The most effective thing we can do is continue to buffer the park," she said.

She said the Delaware Water Gap is unique because 60 percent of its land area is considered a low elevation, the type of environment which humans have settled, disrupting the habitat.

"Across the entire northeast, just 3 percent of such low elevations are available for species," she said.

Gonzalez added, "In the east, the Delaware Water Gap is a critical corridor of nature and is a critical piece in the

Huntington News

Highlawn brownfields meeting fields public curiosity

HUNTINGTON - While no grand details or updates regarding the Brownfields Planning and Redevelopment Project were released Tuesday, Huntington city leaders and third-party consultants met with the public during an open meeting, fielding questions about the city's plans for the former industrial areas in the Highlawn neighborhood.

Exact plans for the area, which extends from 27th Street to 20th Street between 3rd Avenue, will not be fully formed until around February 2017, according to Sean Garrigan of Stromberg, Garrigan and Associates, a Pennsylvania consulting firm specializing in brownfield redevelopment plans.

Tom Bell, executive director of the Huntington Municipal Development Authority, said acquiring the three major tracts of property in the area, currently owned by ACF, would be the first steps toward executing those forthcoming plans.

No timetable was set for either the beginning of environmental assessment or the purchase of ACF property.

Garrigan said an environmental assessment would be needed before any concrete plans could be made. The city of Huntington received a \$600,000 grant from the Environmental Protection Agency in 2015 to gauge the pollution level of the former industrial site and plan accordingly.

Garrigan also reassured property owners there would be no effect on homeowners in the area. He also deferred the often-asked question of a baseball stadium to the fact that no definite plans were set.

Tuesday's meeting in the Big Sandy Superstore Conference Center was the first opportunity for the public to hear about Brownfields Planning and Redevelopment firsthand. In addition to settling an initial round of public questions, Garrigan presented the Brownfields Task Force's desire to develop a plan with community input over the next 18 months, according to a city release.

"There are a lot of things that have to happen for it to become a reality," said Linda Blough, president of the Highlawn Neighborhood Association. "But it does look like we're taking some steps in the right direction.

Brownfields are land previously used for industrial purposes which may have been contaminated to any degree.

CNN

Scientists are feeling good about a 'C' grade for Chesapeake Bay

By Emanuella Grinberg, CNN
May 17, 2016

Conditions may be "poor to moderate" in Chesapeake Bay but scientists still found a reason to celebrate.

America's largest estuary got a C (53%) on its health report card for 2015. That's its highest score in a non-drought year since 1992 and it represents the third year of consecutive growth, according to researchers at the University of Maryland Center for Environmental Science.

It's also one of the three highest scores since 1986. Only 1992 and 2002 scored as high or higher, but those were years of sustained droughts, meaning there was little runoff water to wash pollutants into the bay.

The continued improvement in the absence of a major drought suggests efforts to reduce pollution are paying off, said Bill Dennison, vice president for science applications at the center.

The annual survey of bay conditions compares seven indicators to scientific thresholds. Those indicators are combined into an overall health index represented as a percentage toward a broad set of ecosystem goals.

Water clarity increased from 2014 to 2015 along with prevalence of aquatic grasses, an important habitat for key species including blue crab and striped bass. Meanwhile, nitrogen and phosphorous pollution fell, researchers said.

Blue crab, bay anchovy and striped bass populations also grew from year to year, though they are not included in the score.

Grades varied throughout the region. Ecosystems in the Lower Bay showed B-level improvement while conditions in the Patapsco and Back rivers in and around Baltimore drew Ds and a D-, the survey found.

Chesapeake Bay Foundation Vice President Kim Coble welcomed the signs of progress but said the score is only "part of the story." There's still a long way to go to meet designated cleanup goals set by the Environmental Protection Agency to reduce the volume of contaminants and sediment flowing into the bay by 2025.

"The region is not on track to meet its long-term goals, and therefore, the bay jurisdictions, with EPA's leadership, need to do significantly more if we are to realize a restored bay by 2025."

The University of Maryland researchers see the results in a sunnier light.

Dennison attributed the progress to three factors: Cleaner air, cleaner water and cover crop programs that protect against wind and water erosion.

Thanks to the Clean Air Act, the atmospheric fallout of nitrogen that has been occurring for decades is starting to measurably diminish, he said.

For one, the act required catalytic converters on cars, eliminating nitrous oxide pollution from cars, Dennison said. At the same time, the act introduced scrubbers that clean the gases passing through power plant smokestacks, reducing the formation of acid rain.

"As a result we've reduced the amount of nitrogen that falls out in rainwater," he said.

Meanwhile, dedicated funding in Virginia and Maryland to upgrading sewage treatment plants is paying off, he said. "We're reaping the benefits of improved water quality from sewage treatment plants."

Finally, in recent years an incentive program for farmers has encouraged the planting of cover crops after the summer harvest to alleviate runoff into the bay. Cover crops recycle unused plant nutrients remaining in the soil from the previous summer crop and protect fields against wind and water erosion.

"We think it's a combination of these three factors that's starting to turn the tide," Dennison said.

Farm Bureau News

Press Release: EPA Disparages Farmers, Hinders Progress, Farm Bureau Tells Congress

WASHINGTON, D.C, May 17, 2016 – Three Farm Bureau members today called on the federal government to use more carrots and fewer sticks with farmers who care for land that has often been in their families for generations. Pennsylvania Farm Bureau President Richard Ebert, former Ohio Farm Bureau President Terry McClure and Florida Farm Bureau member Kate English testified before the House Agriculture Subcommittee on Conservation and Forestry.

Ebert told the subcommittee that the Environmental Protection Agency has failed to explain its expectations in the ongoing Chesapeake Bay cleanup.

“Despite my four-year degree in animal science from a well-known and respected university and 34 years of farming while implementing modern technologies, I don’t understand EPA’s science,” Ebert said. “And no farmer can legitimately comprehend and respond to the reams of academic analyses that have been produced through these meetings and continue to perform the tasks needed to run his or her farm business.”

Ebert chided EPA for spreading false information about family farms.

“EPA and its cohorts point fingers and paint agriculture – farmers just like me – as a villain that impairs water quality in the Bay,” Ebert said. “But their accusations are in direct conflict with U.S. Geological Survey data – which showed pretty positive gains on water quality in tributaries throughout the Bay Watershed. These gains are not because of our revised Bay strategy or EPA’s model. It merely demonstrates what agriculture has been doing for decades through increased knowledge, additional opportunities, technology and time.”

McClure noted that Ohio farmers work hard to reduce runoff of excess phosphorous and nitrogen from their farms.

“Farmers have invested tens of millions of dollars of their own money in establishing conservation practices on their farms,” McClure said. “Between 2006 and 2012, they have voluntarily reduced phosphorous applications in the Western Lake Erie Basin by more than 13 million pounds. As farmers are stepping up to implement conservation practices now, they are committed to finding additional solutions in the future.”

English warned that federal regulations have become unworkably complex.

“A farmer shouldn’t have to have a lawyer and an engineer on staff to grow food,” she said.

English singled out the EPA’s controversial Waters of the United States rule as an example of bad science.

“The rule not only expands the regulatory footprint for farming and increases the uncertainty we battle daily, but it also lacks peer-reviewed sound science,” English said. “These regulations appear instead to be based on public opinion and social media trends rather than facts and science. The result is a highly unpredictable regulatory environment and uncontrolled costs when faced with compliance based on a moving target rather

than a rational, science-based goal.”
